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OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/023,593 Confirmation No.: 3109
Applicant(s): Iwen et al.
Filed: 12/17/2001
Art Unit: 1733
Examiner: Samchuan Cua Yao
Title: APPARATUS AND METHOD FOR INSTALLING MASKING BARRIERS

Docket No.: 046459/242231
Customer No.: 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Official Action mailed September 9, 2003, reconsideration by the Examiner, withdrawal of the double-patenting rejection, and formal notification of the allowance of all claims as now presented are earnestly solicited.

The Examiner has entered a double-patenting rejection of Claims 1-7, 9-12, 14-16 and 18-29 based upon U.S. Patent No. 6,355,323. The present application is a divisional application of Application Serial No. 09/491,756, which issued as U.S. Patent No. 6,355,323. In this parent application, the Examiner made a requirement for restriction and the claims which are pending in the present application were the non-elected claims. The present application was filed for purposes of prosecuting these non-elected claims. Because there was a requirement for restriction in the parent application, a double-patenting rejection is clearly improper. 35 U.S.C. § 1.21 clearly states that a patent issuing on an application with respect to which a requirement for restriction has been made shall not be used as a reference against a divisional application.

For this reason, the double-patenting rejection should be withdrawn.

Favorable reconsideration by the Examiner is respectfully solicited.